

01  
02  
03  
04  
05  
06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) CASE NO. CR12-095-RAJ  
10 v. )  
11 JAMES L. HENDERSON, ) DETENTION ORDER  
12 Defendant. )  
13 \_\_\_\_\_ )

14 Offense charged: Conspiracy to Unlawfully Deal in Firearms; Unlawful Dealing in  
15 Firearms; Felon in Possession of a Firearm

16 Date of Detention Hearing: April 23, 2012.

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
18 based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
19 that no condition or combination of conditions which defendant can meet will reasonably  
20 assure the appearance of defendant as required and the safety of other persons and the  
21 community.

22 ///

01            FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

02            1.        Defendant's past criminal record includes multiple failures to appear for court,  
03 with resulting bench warrant activity. There are currently two active bench warrants  
04 outstanding. His past criminal record includes two prior firearms offenses. He is a convicted  
05 felon, but was allegedly in possession of a loaded firearm at the time of the instant arrest.

06            2.        Defendant has a relatively unstable residential history and has not been  
07 employed since 2008. He allegedly admits to regular use of PCP and marijuana.

08            3.        The instant charges involve allegations relating to trafficking in multiple high  
09 quality semi-automatic weapons, shotguns, illegally sawed-off shotguns and a silencer. Many  
10 of the weapons were allegedly stolen several days previously and one weapon alleged is said to  
11 have been recently involved in a shooting in the South Lake Union area.

12            4.        Defendant poses a risk of nonappearance due to a history of failing to appear,  
13 active warrants, lack of employment and untreated substance abuse issues. Defendant poses a  
14 risk of danger due to criminal history, the nature and circumstances of the instant offense, and  
15 possession of a loaded firearm at the time of arrest.

16            5.        There does not appear to be any condition or combination of conditions that will  
17 reasonably assure the defendant's appearance at future Court hearings while addressing the  
18 danger to other persons or the community.

19 It is therefore ORDERED:

- 20            1. Defendant shall be detained pending trial and committed to the custody of the Attorney  
21 General for confinement in a correction facility separate, to the extent practicable, from  
22 persons awaiting or serving sentences or being held in custody pending appeal;

- 01 2. Defendant shall be afforded reasonable opportunity for private consultation with  
02 counsel;
- 03 3. On order of the United States or on request of an attorney for the Government, the  
04 person in charge of the corrections facility in which defendant is confined shall deliver  
05 the defendant to a United States Marshal for the purpose of an appearance in connection  
06 with a court proceeding; and
- 07 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
08 for the defendant, to the United States Marshal, and to the United State Pretrial Services  
09 Officer.

10 DATED this 23rd day of April, 2012.

11  
12   
13 Mary Alice Theiler  
14 United States Magistrate Judge  
15  
16  
17  
18  
19  
20  
21  
22